IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 17840 of 2002

Between:

1 Vonteru Ankamma, W/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
2 Mithakalaya Penchalamma, W/o Penchalaiah alias Narsimhulu,
R/o Kaluvai Village & Mandal, Nellore District.
3 Kalava Venkatamma, W/o Mallem Kondaiah,
R/o Kaluvai Village & Mandal, Nellore District.
4 Chala Narsaiah, S/o Venkata Subbaiah,
R/o Kaluvai Village & Mandal, Nellore District.
5 Nuteti Venkatamma, W/o Narsaiah,
R/o Kaluvai Village & Mandal, Nellore District.
6 Kande Karraiah, W/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
7 Netiti Narsaiah, S/o Venkata Swamy,
R/o Kaluvai Village & Mandal, Nellore District.
8 Neteti Penchalaiah, S/o Venkataiah,
R/o Kaluvai Village & Mandal, Nellore District.
9 Neteti Narsaiah, S/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
10 Neteti Yanadaiaha, S/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
11 Mithakayala Penchalamma, W/o & LR her husband M.Narsimhulu,
R/o Kaluvai Village & Mandal, Nellore District.
12 Kande Chinna Narsaiah, S/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
13 Chala Kondaiahgari Narsaiah, S/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
14 Vonteru Mallem Kondaiah, S/o Kondaiah,
R/o Kaluvai Village & Mandal, Nellore District.
15 Bainaboyina Narsimhulu, S/o Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
16 Bairaju Subbaraju, S/o Pitchi Raju,
R/o Badvel Village & Mandal, Cuddapah District.

17 Bairaju Narsimhulu, S/o Pitchi Raju,
R/o Badvel Village & Mandal, Cuddapah District.
18 Jagadabi Tirupal Raju, S/o Pullem Raju,
R/o Badvel Village & Mandal, Cuddapah District.
19 Puchakatla Ramaiah, S/o Chinna Narsaiah,
R/o Badvel Village & Mandal, Cuddapah District.
20 Kande Penchalaiah, S/o Chinna Narsaiah,
R/o Kaluvai Village & Mandal, Nellore District.
21 Kande Achamma, D/o Narsimhulu,
R/o Kaluvai Village & Mandal, Nellore District.
22 Kalava Lakshmamma, W/o Kondaiah,
R/o Kaluvai Village & Mandal, Nellore District.
23 Mithakayala Kondamma, W/o Narsaiah,
R/o Kaluvai Village & Mandal, Nellore District.
24 Gadi Venkata Raju, S/o Subba Raju,
R/o Badvel Village & Mandal, Cuddapah District.
25 Gadi Linga Raju, S/o Penchala Raju,
R/o Badvel Village & Mandal, Cuddapah District.
26 Gadi Lakshumamma, W/o Narsaraju,
R/o Badvel Village & Mandal, Cuddapah District.
27 Gadi Penchala Ratnam, S/o Subba Raju,
R/o Badvel Village & Mandal, Cuddapah District.
28 Gadi Subbaraju, S/o Subbaramaraju,
R/o Badvel Village & Mandal, Cuddapah District.
29 Gadi Narsa Raju, S/o Venkata Subbaraju,
R/o Badvel Village & Mandal, Cuddapah District.
30 Bailaraju Venkata Subbaraju, S/o Pitchi Raju,
R/o Badvel Village & Mandal, Cuddapah District.
31 Gopidesi Pedda Venkataiah, S/o Venkataiah,
R/o Badvel Village & Mandal, Cuddapah District.
32 Perumalla Venkatamma, W/o Venkata Narsaiah,
R/o Kaluvai Village & Mandal, Nellore District.
33 Nuteti Penchalaiah, S/o Nagaiah,
R/o Kaluvai Village & Mandal, Nellore District.
34 Perumalla Subbamma, W/o Thirupalaiah,
R/o Kaluvai Village & Mandal, Nellore District.
35 Perumalla Roshaiah, S/o Venkataiah,
R/o Badvel Village & Mandal, Cuddapah District.
36 Chala Nagulaiah, S/o Venkataiah,
R/o Kaluvai Village & Mandal, Nellore District.
37 Chintamreddy Pedda Venkataiah, S/o Subbaiah,
R/o Kaluvai Village & Mandal, Nellore District.
38 Chintamreddy Venkata Subbaiah, S/o Subbaiah,
R/o Kaluvai Village & Mandal, Nellore District.
39 Chintamreddy Lingareddy, S/o Venkatredy alias Chinna,
R/o Kaluvai Village & Mandal, Nellore District.
40 Bellam Venkata Subbaiah, S/o Nagaiah,
R/o Kaluvai Village & Mandal, Nellore District.
41 Chintamreddy Subbamma, W/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.
42 Kondareddy Chinnasubbarayudu, S/o Ramaiah,
R/o Badvel Village & Mandal, Cuddapah District.
43 Mummadi Ramachandrareddy, S/o Subba Reddy,

R/o Badvel Village & Mandal, Cuddapah District.

44 Bellam Venkata Subba Reddy, S/o Chinna Subba Reddy,
R/o Badvel Village & Mandal, Cuddapah District.

45 Mummadi Venkatnarayana Reddy, S/o Gangi Reddy,
R/o Badvel Village & Mandal, Cuddapah District.

46 Mummadi Peddi Reddy, S/o Chinnappa Reddy,
R/o Badvel Village & Mandal, Cuddapah District.

47 Biraju Subbamma, W/o Moogaraju,
R/o Badvel Village & Mandal, Cuddapah District.

48 Tambati Venkataiah, S/o Nagaiah,
R/o Badvel Village & Mandal, Cuddapah District.

49 Thodeti Gangaiah, S/o Gangaiah alias Pitchaiah,
R/o Badvel Village & Mandal, Cuddapah District.

50 Sala Kondaiah, S/o Veeraiah,
R/o Kaluvai Village & Mandal, Nellore District.

51 Gadi Penchala Raju, S/o Penchala Raju,
R/o Badvel Village & Mandal, Cuddapah District.

52 Nallagondu Bhagyamma, W/o Bala Kondaiah,
R/o Badvel Village & Mandal, Cuddapah District.

53 Manneti Venkata Subbaiah, S/o Ramaiah,
R/o Kaluvai Village & Mandal, Nellore District.

54 Kondareddy Chinnakka, W/o Gangaiah,
R/o Badvel Village & Mandal, Cuddapah District.

55 Panga Bayanna, S/o Mastanaiah,
R/o Badvel Village & Mandal, Cuddapah District.

56 Mallu Venkataiah, S/o Mallaiah,
R/o Badvel Village & Mandal, Cuddapah District.

57 Bellam alias Bommaraju Nagaiah, S/o Subbaiah,
R/o Kaluvai Village & Mandal, Nellore District.

58 Manneti Venkataiah alias Venkatreddy, S/o Ramaiah,
R/o Badvel Village & Mandal, Cuddapah District.

59 Moramreddy Roshaiah, S/o Vengaiah,
R/o Kaluvai Village & Mandal, Nellore District.

60 Korivi Radha Krishna Murthy, S/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.

61 Palle Subbarayudu, S/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.

62 Doggala Roshaiah, S/o Peddi Reddy,
R/o Badvel Village & Mandal, Cuddapah District.

63 Thummalapenta Subbarayudu, S/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.

64 Nuteti Penchalaiah, S/o Kondaiah,
R/o Kaluvai Village & Mandal, Nellore District.

65 Kondareddy Venkatramanaiah, S/o Ramaiah,
R/o Kaluvai Village & Mandal, Nellore District.

66 Edi Venkataramanaiah, S/o Tirupaiah,
R/o Badvel Village & Mandal, Cuddapah District.

67 Kande Penchalaiah, S/o Peddanarsaiah,
R/o Kaluvai Village & Mandal, Nellore District.

68 Gotham Yanadaiah, S/o Kondaiah,
R/o Kaluvai Village & Mandal, Nellore District.

69 Chappala Kondaramaiah, S/o Seetharamaiah,
R/o Kaluvai Village & Mandal, Nellore District.

70 Nuteti Pitchamma, W/o Venkat Swamy,
R/o Kaluvai Village & Mandal, Nellore District.
71 Kande Chantaiah, S/o Penchalaiah,
R/o Badvel Village & Mandal, Cuddapah District.
72 Bairaju Chinna Somaiah, S/o Pitchi Raju,
R/o Badvel Village & Mandal, Cuddapah District.
73 Bairaju Chinna Subbaraju, S/o Pitchi Raju,
R/o Badvel Village & Mandal, Cuddapah District.
74 Bairaju Bakka Raju, S/o Pitchi Raju,
R/o Badvel Village & Mandal, Cuddapah District.
75 Tambati Pedda Venkataiah, S/o Pitchaiah,
R/o Badvel Village & Mandal, Cuddapah District.
76 Jagadabi Subbaraju, S/o Sesham Raju,
R/o Badvel Village & Mandal, Cuddapah District.
77 Jagadabi Shankaraiah, S/o Subbarama Raju,
R/o Badvel Village & Mandal, Cuddapah District.
78 Chala Yellamma, W/o Penchalaiah,
R/o Badvel Village & Mandal, Cuddapah District.
79 Mummadi Venkataiah, S/o Subba Reddy,
R/o Badvel Village & Mandal, Cuddapah District.
80 Madu Venkata Subbaiah, S/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.
81 Mallem Subba Ratnam, S/o Chinna Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.
82 Madu Chinnakka, W/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.
83 Madhu Chinna Venkata Subbaiah, S/o Venkata Subbaiah,
R/o Badvel Village & Mandal, Cuddapah District.
84 Siddavatam Kondaiah, S/o Penchalaiah,
R/o Badvel Village & Mandal, Cuddapah District.
85 Siddavatam Subbamma, W/o Penchalaiah,
R/o Badvel Village & Mandal, Cuddapah District.
86 Mamidi Subbareddy, S/o.Nagireddy,
R/o Badvel Village & Mandal, Cuddapah District.
87 Mummadi Venkata Subbareddy, S/o.Gangireddy,
R/o Badvel Village & Mandal, Cuddapah District.
88 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.
89 Kondareddy Venkatramaiah, S/o.Ramaiah,
R/o Badvel Village & Mandal, Cuddapah District.
90 Manneti Venkataiah, S/o.Ramaiah,
R/o Badvel Village & Mandal, Cuddapah District.
91 Jagadabi Venkataraju died His LR Wife Jagadabi Aparanjamma,
R/o Badvel Village & Mandal, Cuddapah District.
92 Perumalla Narasimhulu died his LR Wife Seethamma,
R/o Badvel Village & Mandal, Cuddapah District.
93 Sheshamraju died His LR Son Jagadabi Subbaraju,
R/o Badvel Village & Mandal, Cuddapah District.
94 Jagadabi Subbamma died his LR Son Jagadabi Venkata Subbaraju,
R/o Badvel Village & Mandal, Cuddapah District.
95 Gour Subbareddy died His LR Wife Prameelamma,
R/o Badvel Village & Mandal, Cuddapah District.
96 Jagadabi Venkataraju died His LR Wife Jagadabi Aparanjamma,

R/o Badvel Village & Mandal, Cuddapah District.

97 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

98 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

99 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

100 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

101 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

102 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

103 Panga Bayanna, S/o Mastanaiah,
R/o Badvel Village & Mandal, Cuddapah District.

104 Panga Bayanna, S/o Mastanaiah,
R/o Badvel Village & Mandal, Cuddapah District.

105 Panga Bayanna, S/o Mastanaiah,
R/o Badvel Village & Mandal, Cuddapah District.

106 Chintareddy Venkatalakshamamma, W/o Venkat Subbareddy,
R/o Kaluvai Village & Mandal, Nellore District.

107 B.Penchalaiah died his LR, S/o. Narsimhulu,
R/o Kaluvai Village & Mandal, Nellore District.

108 G.Kondamma died his LR W/o. G.Venkataiah,
R/o Kaluvai Village & Mandal, Nellore District.

109 G.Pitchi raju, died his LR, S/o. Venkata Subbaraju,
R/o Kaluvai Village & Mandal, Nellore District.

110 C.Kondaiah died his LR, W/o. Chala Lakshmamma,
R/o Kaluvai Village & Mandal, Nellore District.

111 G.Bakkaraju died his LR, D/o. Kamakshamma,
R/o Kaluvai Village & Mandal, Nellore District.

112 P.Moogaiah died his lR, W/o. Venkatamma,
R/o Kaluvai Village & Mandal, Nellore District.

113 M.Narsimhulu dide his LR, H/o. Penchalamma,
R/o Kaluvai Village & Mandal, Nellore District.

114 G.Narsimha Reddy died his LR, H/o. Gouru Narayanamma,
R/o Kaluvai Village & Mandal, Nellore District.

115 M.Chinnaiah died hi LR H/o. Venkata Subbamma,
R/o Kaluvai Village & Mandal, Nellore District.

116 C.Venkataiah died his LR, S/o. Chintamredddy Venkatareddy,
R/o Kaluvai Village & Mandal, Nellore District.

117 N.Narsimhulu died his LR brother's S/o. N.Penchalaiah,
R/o Kaluvai Village & Mandal, Nellore District.

118 N.Bandaiah died his LR, S/o. Nuteti Penchaiah,
R/o Kaluvai Village & Mandal, Nellore District.

119 N.Mllaiah died his LR, S/o. Nuteti Narsimhulu,
R/o Kaluvai Village & Mandal, Nellore District.

120 N.Venkata Narsaiah died his LR, F/o. N.Chinna Narsamma,
R/o Kaluvai Village & Mandal, Nellore District.

121 B.Somaraju died his LR S/o. B.Venkata Subbaraju,
R/o Kaluvai Village & Mandal, Nellore District.

122 N.Chinna Pitchi Reddy dide his LR, S/o. N.Konda Reddy,
R/o Kaluvai Village & Mandal, Nellore District.

123 M.Gangi Reddy died his LR, S/o. M.V.Narayana Reddy,
R/o Kaluvai Village & Mandal, Nellore District.
124 Ch.Penchalaiah died his LR, S/o. Ramachandra Reddy,
R/o Kaluvai Village & Mandal, Nellore District.
125 N.Venkatamma died her LR W/o. N.Kondala Rayudu,
R/o Kaluvai Village & Mandal, Nellore District.
126 Ch.Venkat Reddy died his LR, S/o. T.Ramana Reddy,
R/o Kaluvai Village & Mandal, Nellore District.

..... PETITIONERS

AND

1 The Special Collector (Land Acquisition), Telugu Ganga Project,
Nellore.
2 The Special Deputy Collector (Land Acquisition) Somasila Project,
Unit - IV, Rajampet,
Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that In the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, or order or direction hooding that the action of the respondents in not re-determining the compensation Under Sec.28(A) of the L.A.Act as illegal and arbitrary and further direct the respondents to re-determine the compensation in respect of the lands of the petitioners in Reach No.4 of Vogur Villege, Gopavaram Mandal, Cuddapah District on a par with that of the lands covered by the O.P.No.306/87 o the file of Court of the Sub-ordinate Judge, Rajampet, Cuddapah District as the lands of the petitioners and claimants in the said O.P. were covered by the same Sec.4(A) Notification, dt. 12.1.1978.

Counsel for the Petitioners:MR.D.KODANDARAMI REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER;

This writ petition is filed by the petitioners, who are 126 in number, seeking a declaration that the action of the first respondent-Special Collector(Land Acquisition) in not passing the orders on the applications filed by the petitioners under Section 28(A) of the Land Acquisition Act (for short “the Act”) for determination of the

compensation on the basis of the Award No.1/81 dated 23.08.1981 on the file of the Land Acquisition Officer, kadapa District as arbitrary and illegal.

Heard learned counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing for the respondents.

It is not in dispute that the lands of the petitioners along with the lands of some others came to be acquired for construction of Somasila project and an award came to be passed on 23.03.1981. Dissatisfied with the compensation, some of the land owners asked for reference to the Civil Court for determination of the compensation, under Section 18 of the Act. The Land acquisition officer referred the matter to the Court under Section 18 of the Act. The reference was numbered as O.P.No.306 of 1987 on the file of the Subordinate Judge, Rajampet, Kadapa District. The learned Subordinate Judge by judgment, dated 26.04.1991, enhanced the compensation. Thereafter, the petitioners filed applications before the Land Acquisition Officer claiming benefit under Section 28(A) of the Act. Since the respondents have not taken any action on the applications filed by the petitioners, this writ petition has been filed.

It is not in dispute that the writ petitioners filed a petition under Section 28(A) of the Act claiming benefit for the enhancement of compensation granted to the claimants in O.P.No.306 of 1987. When such is the case, the respondents have to consider the application filed by the petitioners and pass appropriate orders.

In the result, the writ petition is disposed of with a direction to the first respondent to consider the application of the petitioners and pass appropriate orders after verifying as to whether the applications are filed within time and whether they have not availed the benefit of reference under Section 18 of the Act, as expeditiously as possible, preferably within a period of three months from the date of receipt a copy of this order. No costs.

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16.06.2005

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To

1 The Special Collector (Land Acquisition), Telugu Ganga Project,
Nellore.

2 The Special Deputy Collector (Land Acquisition) Somasila Project,
Unit - IV, Rajampet,
Cuddapah District.

3 Two C.Cs to the G.P., for Land Acquisition, HighCourt Buildings, Hyderabad (OUT).

4 2 CD copies.